

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE ESTATE OF GORDON
("CASEY") POWELL, et al.,

Plaintiff,

v.

GARY BARNES, et al.,

Defendants.

CASE NO. C16-0352JLR

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS' UNOPPOSED
MOTION FOR AN AMENDMENT
TO THE CASE SCHEDULE

Before the court is Defendants Arthur Davis, Adam Deal, and Donetee Rotta's (collectively, "New Defendants") unopposed motion for an amendment of the court's scheduling order. (*See* Mot. (Dkt. # 47)); *see also* Sched. Ord. (Dkt. # 13).) Having considered the motion, the court GRANTS in part and DENIES in part New Defendants' motion.

This case has been pending since March 9, 2016, and involves allegations that Benjamin Price, an inmate at Monroe Corrections Complex assaulted another inmate, Gordon Powell, who later died of his injuries. (*See* Compl. (Dkt. # 1).) On January 9,

1 2017, the court granted the parties' stipulated motion to amend the complaint and to add
 2 parties. (1/9/17 Order (Dkt. # 40).) New Defendants are the parties added to the
 3 amended complaint.¹ (*See* Am. Compl. (Dkt. # 41) ¶¶ 15-17.) The trial in this matter is
 4 scheduled to begin on July 10, 2017; the discovery cutoff is March 13, 2017; and
 5 dispositive motions are due by April 11, 2017. (Sched. Ord. at 1.) New Defendants seek
 6 an extension of the trial date to January 29, 2018, and corresponding extensions of the
 7 discovery cutoff and related deadlines.

8 Rule 16 governs modification of a case schedule, and states that "[a] schedule
 9 should not be modified except upon a showing of good cause." Fed. R. Civ. P. 16(b).
 10 Unlike Rule 15's liberal amendment policy, Rule 16 predominantly focuses on the
 11 moving party's reasons for seeking modification, its diligence, and the prejudice to the
 12 party opposing modification. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
 13 (9th Cir. 1992). The district court may modify the schedule "if it cannot reasonably be
 14 met despite the diligence of the party seeking the extension." *Id.* New Defendants have
 15 less than two months to engage in discovery prior to the present cutoff. (*See* Sched. Ord.
 16 at 1.) "Given that the [c]ourt has granted [the parties' stipulated] motion to amend the
 17 complaint to add . . . new part[ies] . . . , there is necessarily good cause to amend the
 18 scheduling order with respect to the case management deadlines." *McFall v. Stacy &*

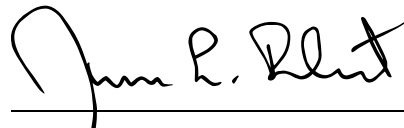
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 21 ¹ Although New Defendants, like the original Defendants, are represented by the
 22 Attorney General's Office of the State of Washington ("AG's Office"), the court notes that New
 Defendants have been assigned a different Assistant Attorney General from the AG's Office.
 (*See* Not. of App.. (Dkt. # 43).)

1 *Witbeck, Inc.*, No. 14-CV-04150-JSC, 2016 WL 2851589, at *4 (N.D. Cal. May 16,
2 2016).

3 New Defendants seek a new trial date of January 29, 2018. (Mot. at 2.) This trial
4 date, however, is not available on the court's calendar. The court's next available trial
5 date is February 12, 2018. Accordingly, the court GRANTS in part and DENIES in part
6 New Defendants' motion (Dkt. # 47). The court DENIES New Defendants' request for a
7 trial date of January 29, 2018, but GRANTS an extension of the present trial date to
8 February 12, 2018. In addition, the court DIRECTS the Clerk to issue an amended
9 scheduling order with new pretrial deadlines based on the new trial date.

10 Dated this 23rd day of January, 2017.

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13 JAMES L. ROBART
14 United States District Judge
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